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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT SEATTLE

5

UNITED STATES OF AMERICA,)
et al.,)
)
Plaintiffs,)
) Case No: C70-9213
vs.)
) Subproceeding No. 01-1
STATE OF WASHINGTON,) (Culverts)
)
)
Defendant.)

11

12 DEPOSITION UPON ORAL EXAMINATION
13 OF
14 JOHN KLOCHAK

15

16 9:38 a.m.

17 July 21, 2006

18 900 Fourth Avenue, Room 2000

19 Seattle, Washington

20

21 Katherine M. Cullman

22 CCR 3001

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25

1 A Uh-huh.

2 Q When you get upstream from that, could you give an example of
3 how culverts simplify habitat or reduce the area.

4 A Yeah. If you look at the habitats associated with some of the
5 tributaries that cross Highway 20 on the Skagit floodplain,
6 areas like Wiseman Creek for example, culverts really
7 dramatically alter the sediment supply in those areas. And
8 culverts in conjunction with the road grade and other areas, you
9 end up with much simpler habitat.

10 Q This culvert on Wiseman Creek on SR20, is it a fish barrier?

11 A I don't recall. I don't think that one is right now. There's a
12 series of culverts in that area that are good examples of
13 culverts that have simplified habitat.

14 Q Are they all state owned, as far as you remember?

15 A No. No. They're a variety of ownerships.

16 Q If you were to fix that situation, say you could achieve your
17 ideal way to fix that situation, how would you do it?

18 A Well, there would probably be a combination of road relocations,
19 bridging, and land use alteration.

20 Q How much of that would involve fixing culverts?

21 A A significant portion of the workload would be fixing culverts.
22 But there would be certainly more work involved than fixing
23 culverts. Culverts, of course, are an integral part of the
24 transportation network, and a lot of it is associated with
25 fixing the transportation network.

1 Q When you say "fixing the transportation network," are you
2 talking only about that particular area, Wiseman Creek?
3 A Yeah -- no. I mean, there's a lot of Highway 20. But
4 Highway 20 tends to run at the base of the mountains up the
5 Skagit and frequently crosses depositional areas where -- that
6 are very sensitive with respect to sediment supply and transport
7 of storage.

8 Q Is it your view that Highway 20 ought to be totally relocated?

9 A No. I don't think it would need to be totally relocated. You
10 could certainly still have Highway 20, the North Cascades
11 Highway. But it was frequently cited in sensitive places.

12 Q Are there a lot of places that in your view need to be moved and
13 relocated on Highway 20?

14 A Need? Need, in terms of . . .

15 Q Well, if you could achieve the ideal situation, what would you
16 do to Highway 20?

17 A If I could achieve the ideal situation?

18 Q Yeah. What would you like to see --

19 A And when we -- define "ideal."

20 Q Well, if you were in charge of -- if you were in charge of
21 Highway 20, what would you do?

22 A That's a pretty -- you know, that's a very broad question. I
23 think that most folks would agree that looking holistically at a
24 watershed like the Skagit, if there was no development
25 whatsoever, the habitat would be better for many creatures,

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1 except humans. And some people would even say it would be
2 better for humans.

3 I think if I was taking care of Highway 20, there
4 would be places that I would relocate it, and there would be
5 places that I would put more bridges in or elevate it.

6 Q Are there other state highways that you were familiar with
7 during your experience at the Skagit System Cooperative that have
8 the same problems?

9 A Highway 20 sticks out in my mind. There are other highways;
10 Highway 9 has problems. And there are a number of other
11 highways that I may get the numbering system wrong that have
12 similar problems.

13 Q Are there -- are you familiar with Mountain Loop Highway?

14 A Yes. I'm somewhat familiar with the Mountain Loop Highway.

15 Q Is that a forest service road?

16 A I recall that there have been different ownership changes with
17 the Mountain Loop Highway. And I can't remember right now
18 whether -- I think part of it was forest service, and part of it
19 was the state. And I don't really -- I don't really recall
20 which was which. And I think it's changed at different times.

21 Q Does the Mountain Loop Highway have some of the problems you
22 described?

23 A Yes.

24 Q What about county roads in Skagit County?

25 A Yes. Some of those have similar problems.

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2 C E R T I F I C A T E

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4 STATE OF WASHINGTON)
5) SS
6 COUNTY OF KING)

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I, Katherine Cullman, a Notary Public in and for the
State of Washington, do hereby certify:

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That the foregoing deposition was taken before me at
the time and place therein set forth;

9

That the witness was by me first duly sworn to testify
to the truth, the whole truth, and nothing but the truth; and
the testimony of the witness and all objections made at the
time of the examination were recorded by voice recognition by
me, and thereafter transcribed under my direction;

10

That the foregoing transcript is a true record of
the testimony given by the witness and of all objections made
at the time of the examination, to the best of my ability.

11

I further certify that I am in no way related to any
party to this matter nor to any of counsel, nor do I have any
interest in the matter.

12

Witness my hand and seal this 27th day of July, 2006.

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Katherine Cullman, Notary
Public in and for the State
of Washington, residing at
Kent. Commission
expires April 26, 2008.

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